

Reply to Office Action of May 25, 2007

Mark SCOTT
Appl. No. 10/696,998
Atty. Docket: 2534.0070001

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-3 are pending in the application, with 1, 2 and 3 being the independent claims. Claims 1, 2 and 3 are currently amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 1-3 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Independent claims 1, 2 and 3 have been amended to recite "a tangible computer readable medium having computer program logic recorded thereon". Independent claims 1, 2 and 3, as amended, are directed to a tangible computer readable medium, such as, a computer disk or memory. Such a computer program product, as recited in amended claims 1, 2 and 3, represent an article of manufacture which is statutory subject matter under 35 U.S.C. § 101. In 1995, the Commissioner of Patents and Trademarks conceded to the U.S. Court of Appeals for the Federal Circuit "that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101". *See In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Accordingly, Applicant respectfully

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requests that the Examiner reconsider and withdraw rejection of claims 1-3 and find them allowable.

Objections to Claims

The Office Action objected to claim 1 as the term "a packet switched network" on line 6 of claim 1 should have been "the packet switched network". This was a typographical error which has been corrected by amending claim 1. Applicant respectfully requests that the Examiner withdraw all objections to claim 1.

Remarks with respect to Information Disclosure Statement

Applicant thanks the Examiner for indicating consideration of documents AA1-AC1 in the Information Disclosure Statement and AA1-AK1, AA2 in the Supplemental Information Disclosure Statement. Applicant respectfully requests that the Examiner also indicate his consideration of each of the foreign and non-patent literature documents AR1-AT1 in the Information Disclosure Statement and AL1-AO1 , AR1-AT1, AR2-AT2 in the Supplemental Information Disclosure statement. Copies of these documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/429,652, filed October 29, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents were not previously attached in accordance with 37 C.F.R. § 1.98(d). It is respectfully requested that the Examiner indicate that the documents have been considered. If the Examiner requires additional copies or if Applicant can assist in anyway, please contact the undersigned.

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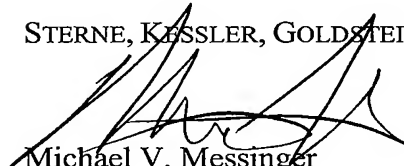
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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